

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

NO. C-02-067-05-CO01

ARISTA MORTGAGE AND FINANCIAL
SERVICES, INC. dba ARISTA MORTGAGE,
INC., NATHAN WARNOCK, Owner and President
and ALEXANDER WARNOCK, Designated Broker
Respondents

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through her designee Chuck Cross, Division Director, Division of Consumer Services, and Arista Mortgage and Financial Services, Inc. dba Arista Mortgage, Inc., Nathan Warnock and Alexander Warnock (hereinafter collectively as Respondents), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-02-067-04-SC01 (Statement of Charges), entered October 29, 2004, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges, entered October 29, 2004.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER
ARISTA MORTGAGE AND FINANCIAL
SERVICES, INC.

1 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing before an
2 administrative law judge, and that they have waived their right to a hearing and any and all administrative and judicial
3 review of the issues raised in this matter, or of the resolution reached herein.

4 **C. Mortgage Broker License.** It is AGREED that Respondents have voluntarily surrendered their mortgage
5 broker license to the Department. It is further AGREED that Respondents will immediately provide the Department with a
6 fully completed "Mortgage Broker Office Closure/License Surrender Form."

7 **D. Declaration of Non-Activity.** It is AGREED that Respondent Arista Mortgage and Financial Services, Inc.
8 shall immediately provide the Department with a Declaration of Non-Activity, declaring the date Respondent Arista
9 Mortgage and Financial Services, Inc. ceased operation as a Mortgage Broker, and declaring that Respondents transacted no
10 further business requiring a license from the Department after that date.

11 **E. Application for Mortgage Broker License and Prohibition.** It is AGREED that Respondents Arista
12 Mortgage and Financial Services, Inc. and Nathan Warnock will not apply to the Department for any license under any
13 name for a period of five (5) years from the entry of this Consent Order and will not participate in the conduct of the affairs
14 of any licensed mortgage broker for a period of five (5) years from the date of entry of this Consent Order.

15 **F. Future Application.** It is AGREED that the conduct giving rise to the issuance of the above-mentioned
16 Statement of Charges will not be considered by the Department in the assessment of any future application by Alexander
17 Warnock for a mortgage broker license in the State of Washington.

18 **G. Compliance with the Law.** It is AGREED that Respondents shall comply with the Mortgage Broker
19 Practices Act and the rules adopted thereunder.

20 **H. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide by the
21 terms and conditions of this Consent Order may result in further legal action by the Director. In the event of such
22 legal action, Respondents may be responsible to reimburse the Director for the cost incurred in pursuing such action,
23 including but not limited to, attorney fees.

24 **I. Authority to Execute Order.** It is AGREED that the undersigned have represented and warranted that they
25 have the full power and right to execute this Consent Order on behalf of the parties represented.

1 J. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into this
2 Consent Order, which is effective when signed by the Director's designee.

3 K. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this Consent Order
4 in its entirety and fully understand and agree to all of the same.

5 **RESPONDENTS:**

6 **Arista Mortgage and Financial, Inc.**

7 By:

8 _____
9 Nathan Warnock
President, Owner

_____ Date

10 _____
11 Alexander Warnock
Designated Broker

_____ Date

12 _____
13 Nathan Warnock, Individually

_____ Date

14 _____
15 Alexander Warnock, Individually

_____ Date

16 **DO NOT WRITE BELOW THIS LINE**

17
18 THIS ORDER ENTERED THIS 11th DAY OF FEBRUARY, 2005.

19
20 /s/_____

21 CHUCK CROSS
22 Director and Enforcement Chief
23 Division of Consumer Services
24 Department of Financial Institutions
25